

#12 / Reg for refund
01-08-04

PATENT

Attorney Docket No.: 678-362

US PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kim, et al. **GROUP ART UNIT:** 2685

SERIAL NO.: 09/405,328 **EXAMINER:** LE, Lana N.

FILED: September 24, 1999 **DATED:** December 22, 2003

FOR: **APPARATUS AND METHOD OF SEARCHING
FOR PN SEQUENCE PHASE IN MULTI-CARRIER
CDMA MOBILE COMMUNICATION SYSTEM**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Refund Section, Accounting Division, Office of Finance

OFFICE OF FINANCE
REFUND SECTION

REQUEST FOR REFUND

Sir:

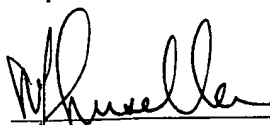
I. REFUND REQUEST

This is a request for a refund with respect to a payment a filing fee for a Notice of Appeal incurred because of a delay that is believe to have been caused by the Examiner at the U.S. Patent and Trademark Office with respect to the above-identified application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 22, 2003


Michael J. Musella

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

AMOUNT OF REFUND REQUESTED

- ☐ filing fee
- ☐ surcharge for filing the basic filing fee
on a date later than the filing date of the
application (37 C.F.R. §1.16(e)
- and/or
- ☐ surcharge for filing the oath or declaration
on a date later than the filing date of the
application (37 C.F.R. §1.16(e)
- ☐ extension of term
- ☐ first month
- ☐ second month
- ☐ third month
- ☐ fourth month
- ☐ excess claims
- ☐ issue fee
- ☐ petition fee
- ☐ patent maintenance fee
- ☐ first maintenance fee
- ☐ second maintenance fee
- ☐ third maintenance fee
- ☐ patent maintenance fee surcharge
- ☒ other Notice of Appeal

\$ 320.00

TOTAL REFUND REQUESTED

\$ 320.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

US PATENT & TRADEMARK OFFICE
An after final Response was timely filed on February 24, 2003 with a one (1) month extension of time. On April 22, 2003 an attempt was made to discuss the Examiner's delay in replying. After leaving several unreturned telephone calls to the Examiner, we contacted the Examiner's supervisor on April 22, 2003, and were then contacted by the Examiner late in the afternoon of the same day. The Examiner apologized for not timely replying to the after final Response, and that an Advisory Action would be issued. In order to preserve the Applicant's rights, a Notice of Appeal was filed as the Advisory Action had not been issued by the U.S. Patent and Trademark Office. On April 23, 2003 the Examiner sent to us a courtesy copy of the Advisory Action via facsimile.

Due to the delay and issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the Notice of Appeal filing fee was required.

IV. MANNER OF REFUND

Please make refund by

☒ crediting Deposit Account No. 04-1121.

☐ refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: December 22, 2003

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)
PJF/MJM/dr